



Auswärtiges Amt



Ministerie van Buitenlandse Zaken



THE MINISTER FOR  
FOREIGN AFFAIRS



MINISTER FOR FOREIGN AFFAIRS

Mr.  
José Manuel Barroso  
President of the European Commission

1049 B r u s s e l s

March 6, 2013

Dear Mr President,

Human rights, democracy and the rule of law are at the heart of our European identity. Our common values more than anything else are the glue which binds our nations together. At the same time they fundamentally shape Europe's image and soft power around the world.

The credibility of the European project depends on us living up to the standards we have given ourselves. This is especially so at a time when Europe is deeply shaken by a crisis of confidence which has ensued from the financial turmoil in the eurozone. The erosion of confidence that has taken place extends far beyond financial and economic policy. For many it has cast doubt on the future of the European project itself. Our response must therefore also go beyond the ongoing efforts to overcome the debt crisis.

At this critical stage in European history, it is crucially important that the fundamental values enshrined in the European treaties be vigorously protected. The EU must be extremely watchful whenever they are put at risk anywhere within its borders. And it must be able to react swiftly and effectively to ensure compliance with its most basic principles. We propose addressing this issue as a priority and believe that the Commission has a key role to play here.

The EU should place greater emphasis on promoting a culture of respect for the rule of law in Member States. In its recent Annual Growth Survey for 2013 the Commission identifies the quality, independence and efficiency of judicial systems as a means of reducing costs for businesses and increasing the attractiveness of countries for foreign investment. Further ways to promote the rule of law within the framework of the European semester should be explored. While it is right to highlight the economic benefits of the rule of law, its significance obviously goes far beyond that.

As you very rightly stated in your State of the Union Address, there are limits to our institutional arrangements when it comes to ensuring compliance. Neither the procedures enshrined in the Treaties nor the EU fundamental rights charter provide for sufficiently targeted instruments. We therefore believe that a new and more effective mechanism to safeguard fundamental values in Member States is needed.


Such a mechanism should be swift and independent of political expediency. We propose that the Commission as the guardian of the Treaties should have a stronger role here. It should be allowed to address deficits in a given country at an early stage and – if sufficiently supported by Member States – require the country in question to remedy the situation.

A variety of options could then be explored to foster compliance, including introducing a structured political dialogue, bringing the issue to the Council at an early stage, or concluding binding agreements between the Commission and the relevant Member State. As a last resort, the suspension of EU funding should be possible.

We wish to stress that the objective of this mechanism would be to strengthen fundamental values while fully respecting national constitutional traditions. It would be non-discriminatory and applicable to all Member States in the same way. We believe that once in place it could help secure public support for further enlargement.

Given the fundamental importance of the matter, we would favour a discussion in the General Affairs Council. We are therefore sending a copy of this letter to the Presidency of the Council.

Yours sincerely,



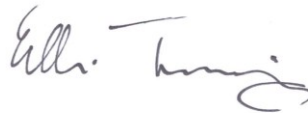
Dr. Guido Westerwelle  
Bundesminister des Auswärtigen



Frans Timmermans  
Minister van Buitenlandse Zaken



Villy Søvndal  
Udenrigsministeriet



Erkki Tuomioja  
Ulkoministeri

cc: Mr.  
Eamon Gilmore  
Minister of Foreign Affairs and Trade  
D u b l i n

Mr.  
Maroš Šefčovič  
Vice-President of the European Commission  
B r u s s e l s

*José Manuel Barroso*  
*President of the European Commission*

13. 05. 2013  
Brussels,  
BARROSO (2013) 308871  
BARROSO (2013)

*Dear Ministers,*

*Thank you for your letter of 6 March, about a possible further mechanism to safeguard the rule of law and EU fundamental values in Member States.*

*My last state of the Union address underlined the need to strengthen the foundations of the EU, such as respect for our fundamental values, for the rule of law and democracy. A better developed set of instruments should address such issues as an alternative to the 'soft power' of political persuasion and the 'nuclear option' of Article 7 of the Treaty.*

*To this end the Commission is using the tools at our disposal. The judicial scoreboard, adopted in March, and the anti-corruption report analysing the situation in each Member State, to be adopted before the summer, are both innovative new approaches. The country specific recommendations in the framework of the European semester also identify weaknesses in the efficiency of judicial systems and shortcomings on corruption which can have a direct impact on competitiveness.*

*In addition, the Commission continues its work under the cooperation and verification mechanism for Romania and Bulgaria, from which general lessons can also be learned.*

*./..*

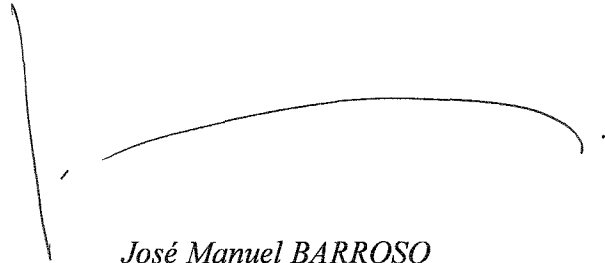
*Dr Guido WESTERWELLE*  
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*We need to draw on the practical experience of these initiatives and the reaction to them in public debate, in the Council of Ministers and in the European Parliament.*

*A successful, new mechanism will have to be considered as legitimate and worthwhile by Member States, and a positive contribution to reform efforts. I believe we need to build this confidence over time. The Commission will in due time present its reflections on further instruments to ensure compliance with EU fundamental values.*

*Yours faithfully,*

A handwritten signature in black ink, consisting of a long vertical stroke on the left and a large, sweeping curve that arches over to the right, ending with a small dot.

*José Manuel BARROSO*